

REGULAR CITY COUNCIL MEETING

July 21, 2008

6:00 P.M.

Mayor Ronnie Torres called the Regular Meeting of the Belen City Council to order at 6:00 P.M.
Roll call taken by Sally G. Garley, City Manager.

PRESENT:

Ronnie Torres, Mayor
David Lopez, Mayor Pro-Tem
Rudy Jaramillo, Councilor
Wayne Gallegos, Councilor

ABSENT:

Terese Ulivarri, Councilor

CITY STAFF:

Sally G. Garley, City Manager
Audrey Torres, Procurement Specialist
Mildred Garley, Finance Director
Mike Chavez, Police Chief
Manny Garcia, Fire Chief
Lenore Pena, COB
Veronica Gamboa, RSVP
Gary Barreras, P&Z

OTHERS:

Norman McDonald, P.A., City Attorney
Jackie Schlotfeldt, VCNB
Gilbert Tabet, Circle T
Bob McKayne, property owners
Selma Martinez, RSVP Advisory Board
Jerah R. Cordova, Our Tomorrow
Dianne Mattson, Our Tomorrow
Pat Goodson, property owner
Shirley Valdez, VRECC
Rod Storey, P&Z
Cindy Clark, Chamber
Chris Muirhead, Modrall Law Firm
Sam Gill, Modrall Law Firm

PLEDGE OF ALLEGIANCE:

Mayor Ronnie Torres asked Selma Martinez to lead the pledge of allegiance.

APPROVAL OF AGENDA:

Mayor Ronnie Torres requested approval of tonight's agenda. Councilor Rudy Jaramillo so moved to approve as amended. Mayor Pro-Tem David Lopez seconds the motion, motion carried.

APPROVAL OF MINUTES:

Regular Meeting: June 16, 2008

Mayor Ronnie Torres requested approval of the minutes for June 16, 2008. Councilor Wayne Gallegos so moved to approve. Councilor Rudy Jaramillo seconds the motion, motion carried.

CITIZENS PETITIONS:

Mayor Ronnie Torres asked if there was anyone with a citizen petition, no further petitions were presented.

1. **Jerah Cordova:** advised he was representing Our Tomorrow for a better Belen and advised he had a couple of statements he wanted to read and then had a couple of questions for the Council and the Mayor. The letter (undated) referenced Valencia County Mobility Plan: NM6 to I-24 Bypass was read aloud a copy of which is attached hereto and made an integral part of these minutes by reference. After reading this letter, he continued reading another prepared statement relating to the closing of flea markets (undated) a copy of which is attached hereto and made an integral part of these minutes by reference. The first question: "does the City Government have procedures regulating its meetings, any meeting that is subject to the open meetings act"? Mayor Ronnie Torres advised that Roberts Rules of Order be followed. Jerah then asked, "Is there anything written any procedures written that is followed". Mayor Ronnie Torres advised he was unaware of any written procedural requirements. Councilor Wayne Gallegos advised there is a draft by the NM Municipal League and they recommend the City adopt their own meeting procedural requirements, however Roberts Rules of Order are the minimum requirements that should be followed. Jerah asked, "The city council has never passed anything to regulate the meetings?" Mayor Ronnie Torres advised he was unaware. Councilor Wayne Gallegos advised that the sample the NMML has is what the City follows closely. Mayor Ronnie Torres advised that he was not aware that anything was ever passed. The next question: "has the city government made the City Ordinance publicly available on the internet, he knows that they were working on it but had not heard"? Mayor Ronnie Torres advised they were working on it but did not have a specific answer at this time. Sally G. Garley, City Manager advised she had contacted Lexis Nexis and they were working on it but did not have a status report at this time. Mayor Pro-Tem David Lopes asked if there was some type of mandate by the state that had been issued because the Head start Program is also working on revisiting of the Roberts Rules of Order, and he thought that any agency that receives federal funding has to review their procedures. Another question: "if a planning and zoning has yet requested that billboard and violations of the City's sign regulations ordinance be removed. Mayor Ronnie Torres said "no". Jerah asked, "Do they plan to". Mayor Ronnie Torres said as far as he knows no". Jerah asked why, the ordinance states that

any billboard that have been vacated of any advertising for more than 60 days have to be removed and he was just curious”. Mayor Ronnie Torres advised he thought he was talking about the ordinance, the billboard issue he will check and advise. Jerah also asked “how does a business get approval for signage, what is the procedure that they follow. Mayor Ronnie Torres advised there is a form that has all the information needed. The last question Mr. Cordova asked if anyone had received the complaint form he filled out online. City Manager, Sally G. Garley advised some employees had mentioned receiving some email from the website but was unaware of his complaint status. Jerah Cordova wanted to close in referencing the Economic Development Plan Ordinance that was passed at the last council meeting he wished to thank the council for what he thinks is taking a step in the right direction. He has not seen the ordinance yet so he has no idea what it contained and did not want to pass judgment on it and asked to receive a copy of it.

Mayor Torres asked if there were any further citizen petitions, no further petitions were made.

PRESENTATION OF BRINGING PLAY BACK: Veronica Gamboa

Mayor Ronnie Torres read the next agenda item in reference to a presentation of Bringing Play Back as presented by RSVP Director, Veronica Gamboa. Veronica was accompanied by Selma who is an advisory board member, Veronica advised that she recently attended a conference and came across an organization they want to collaborate with and do a project for the City in cooperation with RSVP. The project is called a “Kaboom!” she advised a pamphlet was included the information packet, a copy of which is attached hereto and made an integral part of these minutes by reference. The project is a coordinated effort that will bridge the gap between the senior population and today’s youth who will work together to provide a functional play space. The pamphlet states the goals, phases and possibilities of the park located at 10th and Ross. The first phase work will involve clean out weeds, repair cracks on the basketball court, paint and add a new net to the basketball pole, painting and or varnishing the picnic tables and cleaning out the BBQ grill. They will also be working with UNM planning students to develop plans of what the park would look like and costs. The ultimate goal is for the City of Belen to be nationally recognized as a Playful City USA. She wanted to make this a semi annual event.

Mayor Ronnie Torres asked if she was working with the main or VC campus of UNM. Veronica advised her contacts were at the main campus. Mayor Torres asked Veronica to get with him on another possible park for the program.

PUBLIC HEARING OF INTENT TO ADOPT AN ORDINANCE CONCERNING THE CITY OF BELEN GROSS RECEIPTS TAX IMPROVEMENTS REVENUE BONDS SERIES 2008, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,500,000: Chris Muirhead

Mayor Ronnie Torres read the next agenda item and opened the public hearing of intent to adopt an ordinance concerning the City of Belen gross receipts tax improvements revenue bonds series 2008, in an aggregate principal amount not to exceed \$8,500,000 as presented by Chris Muirhead of the Modrall Law Firm.

Chris Muirhead advised this was the same ordinance as two weeks ago when he was present for the first reading. Explained in general terms looking at page 2 of the ordinance the title hits the relevant points without going into excruciation detail of the remaining thirty plus pages. The exact principal amount maturities interest rates and such will be sent sometime early to mid August. Provides funds to pay the costs of infrastructure improvements including without limitation design and constructing repairing and renovating buildings, streets, storm drainage, water, wastewater facilities acquiring equipment and technology and funding of reserve account. The language mirrors the gross receipts tax ordinance adopted on June 16, 2008. The bond ordinance is as broad as the gross receipts tax ordinance, which gives the municipality flexibility in how it uses it funds for capital improvements. Mr. Muirhead asked if there were any questions.

Councilor Wayne Gallegos asked in reference to scheduling, how close are we in reference to our initial scheduling. Mr. Muirhead advised they were a little off from the time of the initial calendaring which was done in late spring there was a push to get it done as quickly as possible however marketing of the bonds is waiting on release of the 2007 audit which is with the state auditor now. The underwriter needs that to market the bonds with the hopes to market the first or second week of August and close the later part of August.

Mayor Ronnie Torres asked if there were any further questions from the council or the audience, no questions, Mayor Torres closed the public hearing.

PUBLIC HEARING OF INTENT TO ADOPT AN ORDINANCE THAT WOULD AMEND THE ZONING ATLAS CHANGING THE ZONE FROM R-1 TO C-1 COMPRIMISING OF TRACT 49-1-2 OF MAP 99 OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT BEING WITHIN SECTION 17, TOWNSHIP 5 NORTH, RANGE 2 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CONSISTING OF 1.38 ACRES MORE OR LESS FOR PROPERTYLOCATED AT 302 ½ NORTH GABALDON ROAD IN BELEN, NEW MEXICO 87002:

Mayor Ronnie Torres read the next agenda item and opened the public hearing of intent to adopt an as described above. Planning and Zoning Director Andrew DiCamillo advised council the item was brought before the Planning and Zoning Commission on June 30, 2008, the planning and zoning chairman is present to answer any questions, the item was voted down and there was a recommendation for denial to City Council. Mr. DiCamillo wished to note to the record that the owner nor applicant were present at the meeting. Mayor Ronnie Torres asked if there were any questions from the Council.

Councilor Wayne Gallegos mentioned after reviewing the material, this issue has been ongoing for about a year and therefore the individual has been given all the rights and appeals allowed.

Andrew DiCamillo advised this has been ongoing since June of last year and was originally a conditional use permit that was granted with several conditions that were a part of that permit. The six months time- frame did expire and at that time, the applicant proposed not to resubmit for a renewal of the conditional use but to go forward with a zone change.

Mayor Pro-Tem David Lopez questioned the safety of the upright that is placed in front of the home if it was legal and the only reason he is asking is because back during his construction days there were only two certified technicians in the state that were allowed to put those up because of the high voltage danger.

Andrew advised they had a lot of trials and tribulations through the process with the applicant. Gary Barreras, Building Inspector has gone out and red tagged for building without a permit. Gary referenced the lift and advised it was put in prior to his doing any inspections so all responsibility goes on the owner; he should not have the lift and has put it in on his own without any approval or permits. Gary was advised by Mr. Abeyta, owner that he was going to build a garage around the lift and is pulling a homeowner builders permit.

Councilor Rudy Jaramillo asked if he does build a garage around the lift is he going to be allowed to run a business there. Gary advised he would do it on his own but would not be able to run a business there because it is not a commercial building but he cannot stop him from building a residential garage.

Councilor David Lopez advised a similar request was made recently and the request was denied if this is approved it would open an assortment of problems. Gary advised that there is nothing he can do to stop them from pulling a permit to build a detached garage from his home for private use.

Councilor Rudy Jaramillo asked what the height requirement limit is for a garage. Gary advised that unless zoning has a height restriction there is not one. Councilor Jaramillo advised then in reality he can build his garage as high as he wants within zoning restrictions and there is nothing that can be done. Gary advised that was correct.

Mayor Torres asked if there were any further questions or comments.

Bob McKague advised he was co-owner of a property located nearby the property in question and is opposed to the zone change. His property looks like a junkyard there are cars for sale and recreational vehicles parked around. Mr. Abeyta has no respect for anything and believes he can do anything he wants illegally. After speaking with Planning and Zoning, Mr. Barreras put up yellow tape and Mr. Abeyta just tore it down and began installing electrical power for the lift. Just because he is an older citizen he believes he can go by his own laws, we also have an investment in the property nearby and we have to go by the law. In addition, it is not fair that he can do what he wants. I oppose the structure and believe there has to be a way to stop him because he is not going to use it for personal use he is going to sneak in business there.

Pat Goodson the other co-owner of the townhouses located nearby the property handed out pictures of what is happening on the property. He was told he could not do business on the property and he still has signs up and a car on the lift. She then proceeded to read a letter, but first wanted to comment for the record that she is opposed to the change, and read the letter aloud a copy of which is attached hereto and made an integral part of these minutes by reference.

Councilor Rudy Jaramillo asked “with the conditional use not being in play anymore does he need to get a city license with the conditional use or does he still have that option”?

Andrew DiCamillo advised that this was the part of the hearing prior to the conditional use which came in front of the planning and zoning commission in recommendation of denial because he did not meet the conditions that were set forth in the conditional use permit and the only condition he did meet was pulling business license. The disposal of the hazardous material and all the other things that were detailed in the conditional use permit were not met and the use is no longer allowed for the business licenses it is no longer valid. It is valid if he was to go and rent a commercially zoned place and the license would transfer over with no charge or costs to him.

Mayor Pro-Tem asked if Mr. Abeyta advised Mr. DiCamillo that he was going to come before the City Council to protest the decision. Andrew advised that at the time of the meeting on June 30 he did state that he was going to come and present his case, the action that is taken here tonight, unknowing if there will be any action on his part as form of an appeal or no he has not advised.

Mayor Ronnie Torres asked if there were any further questions or comments.

Hollie Blakesley advised that she and her husband own property located at 330 North Gabaldon, which is approximately 200 yards west of Mr. Abeyta's property. She thanked Mrs. Goodson for the eloquent speech but wished to add the following: "we have concerns about Mr. Abeytas activities, Mayor you have publicly stated a number of times that you are a proponent of business in our community and developing it and for that I applaud you. We need to keep our residential areas and our business areas completely separate.

Mr. Abeyta has numerous resources here that he could use, his business seems to be poorly planned. I do not believe he disposes correctly of the hazardous materials that are associated with the type of business he proposes to run. His business would create additional traffic concerns in the area, which are already a concern, yet he wants to add to those problems. In the past, a business has been run in that area but that does not mean that the past will work for going forward.

We need to put the best face on our community we need to have our businesses on our main streets to show a face of an alive vibrant community. This is not the place to run a business I am not discouraging anyone out there that wants to be a sole proprietor that wants to be an entrepreneur but it needs to be done correctly, needs to be well planned, use the resources. We recently built a carport and yes we had to meet with the zoning folks with the inspection folks and it was cumbersome but we came to appreciate them as a free resource in our community to help us improve our own property.

Mr. Abeyta is not concerned with anyone's authority or improving the community as a whole he is helping to make a quick buck to put in his own pocket. I strongly urge each one of you to put thought and consideration into this. Residential areas should be kept so for the enjoyment of adults, children and family time. Business does not need to be conducted in this area so please consider this and I hope that you will decline his request".

Mayor Ronnie Torres asked if there were any further questions or comments, none were presented and public hearing was closed.

ACTION ITEMS

INTENT TO ADOPT AN ORDINANCE CONCERNING THE CITY OF BELEN GROSS RECEIPTS TAX IMPROVEMENTS REVENUE BONDS SERIES 2008, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,500,000:

Mayor Ronnie Torres read the next agenda item of intent to adopt an ordinance concerning the City of Belen Gross Receipts tax improvements revenue bonds and entertained a motion. Mayor Pro-Tem David Lopez moved to approve the ordinance. Councilor Wayne Gallegos seconds the motion, motion carries.

INTENT TO ADOPT AN ORDINANCE THAT WOULD AMEND THE ZONING ATLAS CHANGING THE ZONE FROM R-1 TO C-1 COMPRISING OF TRACT 49-1-2 OF MAP 99 OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT BEING WITHIN SECTION 17, TOWNSHIP 5 NORTH, RANGE 2 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, CONSISTING OF 1.38 ACRES MORE OR LESS FOR PROPERTY LOCATED AT 302 ½ NORTH GABALDON ROAD IN BELEN, NEW MEXICO 87002:

Mayor Ronnie Torres read the next agenda item of intent to adopt an ordinance that would amend the zoning atlas as described above and asked for a motion to approve or deny with a no pass recommendation from the Planning and Zoning Commission. Mayor Pro-Tem David Lopez moved to deny the ordinance. Councilor Wayne Gallegos seconds the motion, motion to deny carries.

APPROVAL OF MID-REGION COUNCIL OF GOVERNMENTS AGREEMENT FOR PLANNING SERVICES: Andrew DiCamillo, Planning and Zoning Director

Mayor Ronnie Torres read the next agenda item in reference to approval of Mid-Region Council of Governments planning services as presented by Andrew DiCamillo who advised, “this is a contract agreement with the MRCOG to help facilitate a CDBG (Community Development Block Grant) that we received at the direction of our City Manager to pursue back in January. The CDBG grant is a strategic growth plan and Joe Quintana and folks are going to help put that together with us and it is going to correlate with the transit master plan that is centered around the rail station. These two plans are to move Belen forward and this is how we do it and so I urge your support and stand for any questions”.

Mayor Ronnie Torres asked if there were any questions from the Council. Councilor Rudy Jaramillo moved to approve as presented. Mayor Pro-Tem David Lopez seconds the motion, motion carried.

APPROVAL OF A RESOLUTION AUTHORIZING TO SIGN THE AGREEMENT AND APPOINTMENT OF AUTHORIZED GRANTEE REPRESENTATIVE FOR THE ARSENIC TREATMENT FACILITIES: Sally G. Garley, City Manager.

Mayor Ronnie Torres read the next agenda item in reference to approval of a resolution authorizing to sign the agreement and appointment of authorized grantee representative for the arsenic treatment facilities as presented by Sally G. Garley, City Manager who advised this was a resolution to approve Sally G. Garley, City Manager and Mildred Garley as authorized representatives to sign.

Mayor Ronnie Torres asked if there were any questions from the council. Councilor Rudy Jaramillo moved to approve. Mayor Pro-Tem David Lopez seconds the motion, motion carries.

APPROVAL OF A RESOLUTION AUTHORIZING TO SIGN THE AGREEMENT AND APPOINTMENT OF AUTHORIZED GRANTEE REPRESENTATIVES FOR THE WESTSIDE BOOSTER STATION IMPROVEMENTS: Sally G. Garley, City Manager

Mayor Ronnie Torres read the next agenda item in reference to approval of a resolution authorizing to sign the agreement and appointment of authorized grantee representatives for the Westside booster station improvements as presented by Sally G. Garley, City Manager who advised this was the same request for a different agreement.

Mayor Ronnie Torres asked if there were any questions from the council. Councilor Wayne Gallegos moved to approve. Councilor Rudy Jaramillo seconds the motion, motion carries.

APPROVAL OF A RESOLUTION SUPPORTING VALENCIA COUNTY IN PLACING THIS 1/4% COUNTYWIDE EMERGENCY COMMUNICATIONS AND EMERGENCY MEDICAL AND BEHAVIORAL HEALTH SERVICES TAX ON THE BALLOT FOR THE NOVEMBER GENERAL ELECTION TO FUND THE VRECC (VALENCIA REGIONAL EMERGENCY COMMUNICATIONS CENTER): Police Chief Mike Chavez

Mayor Ronnie Torres read the next agenda item in reference to approval of a resolution supporting Valencia County in placing this ¼% countywide emergency communications and emergency medical and behavioral health services tax on the ballot for the November general election to fund the VRECC emergency communications center. Chief of Police Mike Chavez introduced Shirley Valdez who is the supervisor for the regional 911-dispatch center and she is the individual responsible for putting together the information contained in the packet regarding the resolution 2008-7 a copy of which is attached hereto and made an integral part of these minutes by reference. Shirley Valdez explained she needed council support on the tax. The tax would fund VRECC budget and relieve funding from agencies. It would also go to the medical countywide community. VRECC started out with 18 employees of the original there are only five remaining which means there is a lot of turnover. In summation, the dispatch center is in need of upgrade. The incoming calls are at 68,000 for the year 2007/2008 and we are looking at doubling that because we are phase two compliant. This means that you can dial 911 off your wireless phones so instead on one call coming in we are getting ten because everyone picks up their cell phones and calls and we have to answer them but we need bodies in there to pick up

those calls. She advised the center has old and antiquated equipment and does not help matters at all. She wants to separate law enforcement from fire and EMS. This will help many of the current problems; there are three operators that are working in one area and a call taker. With all the callers together, it makes for a hectic workspace.

Mayor Ronnie Torres asked if there were any questions. Mayor Pro-Tem David Lopez moved to approve. Councilor Wayne Gallegos seconds the motion, motion carried.

INFORMATIONAL ITEMS:

CITY MANAGERS REPORT:

City Managers report is attached hereto and made an integral part of these minutes by reference.

COMMUNICATIONS FROM CITY COUNCIL:

Councilor Rudy Jaramillo: wished Shirley luck with the tax on the November ballot that is going to be a job. Rain, thanks for that it is a nice drizzle no flooding at least we get a little moisture.

Councilor Wayne Gallegos: a couple of things, there was a meeting in Los Lunas he tried to attend but was unable on the Corp of Engineers who is looking at the flooding situation on the river. It seems like they are getting started and it is going to be a two-year planning program and it appears they are going to be working on the river from Bernalillo to Belen.

Mayor Ronnie Torres: sent a letter of thanks to the Department of Transportation on behalf of the City and the Citizens of Belen to thank them for the overlay that was done on north main. If we would have had to pay for the work, it would have been a lot. I attended a meeting for Our Tomorrow they had some issues and were talking about the hospital and it was a great meeting and good information. National Night Out is the fifth, which is the first Tuesday of August. Rod with the Planning and Zoning Commission was thanked, for the hard work they do and the tough decisions they have to make. It is an informative meeting if you get a chance to attend and listen to what is happening and how things get accomplished.

A question was asked from the audience as to what can be done to make people clean up their properties. Mayor Torres advised he was going to meet with Andrew to see what can be done and what steps need to be taken. There are a few folks in town who dare us and question their ability to do what they do, they are tough, and we have to take them to court.

Mayor Pro-Tem David Lopez: advised he did not have too much to report but he had a few comments on the portable at Jaramillo Elementary school to the south side of the school just

received a fascia on that with brick molding and ducked the handicap access and it looks really nice. There is a head start meeting this weekend and we are going over by laws and Roberts Rules of order to make sure we are compliant. The Mayor, Wayne and myself have been working on the fiesta committees for the event coming up in August, make sure you tell your friends and families to pay us a visit it is going to be a good one this year we have a lot of good entertainment and a lot of good food and festivities.

Wayne will be selling turkey legs and the Mayor will be selling Navajo tacos but David is going to be the padrinos so he will be walking around with a suit and tie.

Mayor Ronnie Torres wanted to tell everyone that they already came out on channel 7 for sky over New Mexico it was a nice story. Starting soon, they will be doing sound bites on Belen trivia.

ADJOURNMENT:

Mayor Ronnie Torres asked for a motion to adjourn tonight's meeting.

Councilor Rudy Jaramillo moved to adjourn this meeting. Councilor Wayne Gallegos seconds the motion, motion carried.

/ss

Ronnie Torres, Mayor

ATTEST:

/ss

Sally G. Garley, City Manager